

## **REMARKS**

### **Summary of the Office Action**

Claims 1 and 10 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 1, 6 – 8, 10, and 12 – 16 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,917,118 (“Kosann”) in view of U.S. Patent No. 3,056,275 (“Williams”).

### **Summary of the Response to the Office Action**

Applicant files a Request for Continued Examination to have the amendments submitted on May 17, 2010 entered into the record.

Applicant thanks the Examiner for the courtesies extended to Applicant’s representatives during the Examiner Interview conducted May 26, 2010.

Applicant amends the Drawings to renumber original Fig. 1 as Fig. 1A and add new Fig. 1B. Support for Fig. 1B is found at least in the first paragraph of page 4 of the originally filed application (paragraph [0015] of the published application).

Applicant amends the Specification to include a reference to Figs. 1A and 1B.

Applicant amends claim 1 in this Supplemental Amendment and Response to define the claimed subject matter further and clarify that the claims do not invoke means plus function language of 35 U.S.C. § 112, sixth paragraph. Claims 2 – 5 were previously canceled without prejudice or disclaimer. Support for this amendment is found at least in Fig. 1 and paragraphs 2 and 3 on page 6 of the application as originally filed (paragraphs [0024] and [0025] of the

published application). Thus, Applicant respectfully submits that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132.

Applicant respectfully requests entry of this Supplemental Amendment and reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

#### **Summary of the Examiner Interview**

Applicant thanks the Examiner for the courtesies extended to Applicant's representatives during the Examiner Interview conducted May 26, 2010. During the Interview, Applicant's representatives discussed how neither Kosan nor Williams taught or suggested a single belt system. Applicant's representatives also pointed out that Kosan also failed to disclose a cloth fabric belt.

#### **The Amendment to the Drawings**

Applicant amends the Drawings as shown in the attached Appendix to renumber original Fig. 1 as Fig. 1A, add new Fig. 1B (a side view of a single-belt support system for dyeing fibers), and indicate that there are now three total sheets instead of two. Support for Fig. 1B is found at least in the first paragraph of page 4 of the originally filed application (paragraph [0015] of the published application), which discloses "a belt for carrying and dyeing fiber."

#### **The Amendment to the Specification**

Applicant amends the Specification to include a reference to Figs. 1A and 1B. Specifically, Applicant amends the Brief Description of Drawings and the second paragraph of page 6 of the originally filed application to reflect the renumbering of Fig. 1 as Fig. 1A and the addition of new Fig. 1B.

### The Rejections under 35 U.S.C. § 103

Claims 1, 6 – 8, 10, and 12 – 16 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Kosann in view of Williams. Applicant respectfully disagrees. To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966). In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should “identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *KSR Int’l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007). Furthermore, even if the prior art may be combined, there must be a reasonable expectation of success, and the reference or references, when combined, must disclose or suggest all of the claim limitations. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In the Amendment and Response submitted May 17, 2010, Applicant amended independent claim 1 to recite in part “a single porous fabric belt, [and] means to form the single porous fabric belt into a fabric roll for carrying fibers or filaments” (emphasis added). Applicant also amended claim 10 to recite in part “forming [a] single porous fabric belt into a porous fabric roll” (emphasis added). In this Supplemental Amendment and Response, Applicant further amends claim 1 to recite “a single porous fabric belt formed into a fabric roll for carrying fibers or filaments” and “one or more nip rollers guiding said fabric roll” (emphasis added).

Applicant respectfully submits that as amended, claims 1 and 10 are not a means plus function element under 35 U.S.C. 112, sixth paragraph. Accordingly, the Examiner may not cite to alleged “functional equivalents” to support a rejection under 35 U.S.C. § 103(a). Page 4 of the Office Action characterizes Kosann as a “dual-belt conveyor system.” Page 2 of the Advisory Action appears to refer Kosann col. 3, lines 35 – 38, which discloses a dual-belt conveyor system. Accordingly, Kosann fails at least to disclose, teach, or suggest the “single porous fabric belt” recited in claims 1 and 10.

While this alone is sufficient to overcome the rejection, Applicant also traverses the assertion at page 4 of the Office Action that “applicant’s teaching of ‘fabric roll’, or belt, reads on Kosann’s disclosure of ‘perforated belt.’” Applicant disagrees. Nothing in Kosann discloses what the belts are made of, nor does anything in Kosann disclose that the belts are “porous.” All Kosann discloses is that the belts are “perforated.” Disclosing that the belts are “perforated” does not automatically mean that the belts are “porous.” For at least these reasons, Applicant respectfully submits that Kosann fails to disclose or suggest the “single porous fabric belt” recited in independent claims 1 and 10.

Williams fails to make up for the deficiencies of Kosann. Even if Williams could be combined with Kosann with a reasonable expectation of success, the combined references still fail to disclose, teach, or suggest the each and every feature of amended claims 1 and 10. Williams, like Kosann, is described on page 4 of the Office Action as a “dual-belt conveyor system.” Williams also discloses belts made of woven wire. *See, e.g.*, Williams at col. 3, line 24. It is commonly known in the art that woven wire belts are made of metal or a combination of metal and

rubber. Williams therefore also fails at least to teach or suggest the “single porous fabric belt” recited in amended claims 1 and 10. Thus, even if one of ordinary skill in the art were to combine Williams with Kosann, the combined references still fail to teach or suggest each and every feature of amended claims 1 and 10.

For at least these reasons, Applicant respectfully submits that amended independent claims 1 and 10 are allowable. Applicant further submits that claims 6 – 8 and 12 – 16 are also allowable at least because they depend from allowable claims 1 and 10. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed subject matter, Applicant respectfully requests that the rejection of claims 1, 6 – 8, 10, and 12 – 16 under 35 U.S.C. §103(a) be withdrawn.

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**CONCLUSION**

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,  
**THE NATH LAW GROUP**

Date: June 18, 2010

/Jerald L. Meyer/

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**APPENDIX**